IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Appl. No. 550 of 2001
(Old No. 4304/1995)

Sambhar Salt Limited and two others ……Applicant

Versus

State of Uttaranchal & others …….Respondents

Sri Lalit Sharma, learned counsel for the applicant
Sri A.Rab, Addl. G.A. for the State.

Hon'ble J.C.S.Rawat, J.

The petition u/s 482 Cr.P.C. has been directed to quash the Criminal Case No. 412 of 1983 u/s 7/16 of Prevention of Food Adulteration Act, 1954 pending before the court of Chief Judicial Magistrate, Almora.

Brief facts for the disposal of this petition are that a complaint was filed on the basis of the report of Public Analyst dated 22.10.1982. The complaint was filed before the C.J.M. Almora. In the meantime, it is said that the Food Inspector has died. It was further alleged that the complainant has arrayed three persons in the said prosecution. Accused -1 was the was Mr. D.D. Gupta Manager (Product) as required u/s 305(3) of the Cr.P.C.

Feeling aggrieved by the said cognizance order passed by the Magistrate, the present petition has been filed.

It is also in the petition that the charge has not been framed against the accused. The ground which has been taken in this case are apparently those which can be taken at the time of trial. The learned counsel for the petitioner can raise this plea at the time of framing charge. **(See Hon'ble Supreme Court in the Petition for Special Leave to Appeal (Crl.) No.**

4889 of 2005 in Mithlesh Gandhi & Another Vs. State of Uttaranchal & Another).

In view of the above discussion, I am of the view that the ground which has been taken by the petitioner before this court may be taken before the court below while framing the charge before the Magistrate concerned.

The petition is disposed of accordingly.

(J.C.S.RAWAT,J.)

3rd March, 2006
Shiv